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**\*E-FILED - 4/10/08\***

7 **UNITED STATES DISTRICT COURT**  
8 **NORTHERN DISTRICT OF CALIFORNIA**  
9 **SAN JOSE DIVISION**

10 **In re: PALM TREO 600 AND 650**  
11 **LITIGATION**

Master File No.: C-05-03774 RMW

12 **This Document Relates to All Actions**

**STIPULATION AND ORDER FOR  
DISMISSAL WITHOUT PREJUDICE**

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The Honorable Ronald M. Whyte

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1 WHEREAS, Richard Gans initially filed a claim with the United States District Court  
2 Northern District of California on or about September 19, 2005, bearing the case number C-05-  
3 03774 wherein PalmOne Inc. and Does 1 through 100 inclusive were named Defendants; and,

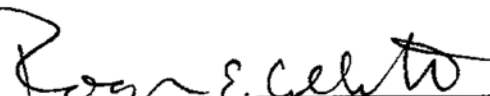
4 WHEREAS, on or about January 31, 2006, the aforementioned complaint filed by  
5 Richard Gans was consolidated with numerous other complaints into a First Amended  
6 Consolidated Class Action in this Court bearing the number C-05-03774-RMW, and,

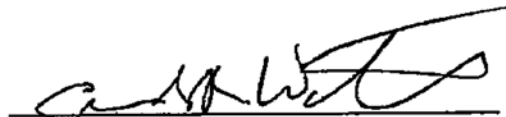
7 WHEREAS, Richard Gans desires to withdraw and dismiss his individual Complaint,  
8 claim, and cause of action from the present litigation; and,

9 WHEREAS, all the other named Plaintiffs and the Defendant consent to the withdrawal  
10 by Richard Gans of his claims, cause of action, and Complaint;

11 IT IS HEREBY STIPULATED that the individual claims, causes of action, and  
12 Complaint of Richard Gans, and only those claims, causes of actions and Complaints in the name  
13 of Richard Gans are hereby dismissed, without prejudice pursuant to the agreement of the parties  
14 and pursuant to Rule 41 of the Federal Rules of Civil Procedures. It is expressly stipulated by all  
15 the parties hereto that the previous aforementioned consolidation of Richard Gans initial  
16 complaint into the consolidated complaint herein shall not be construed as any form of a prior  
17 dismissal pursuant to Rule 41 of the Federal Rules of Civil Procedures and that the dismissal and  
18 this stipulation expressly do not preclude Richard Gans from re-filing his claim on an individual  
19 basis. It is further expressly stipulated and agreed by all parties hereto that the dismissal of the  
20 individual claim of Richard Gans shall have no effect upon the remaining claims, or cause of  
21 actions of the other named Plaintiffs or class members in this case.

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So Ordered: 4/10, 2008

  
Judge